

English translation of the International Patent Application No. PCT/CH02/00705
"Zwischenwirbelimplantat mit kippbaren Gelenkteilen" im Namen der Mathys
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Intervertebral implant with tilting joint elements

The invention relates to an intervertebral implant according to the generic term of Patent Claim 1 and to a process for the replacement of a defect, natural intervertebral disk by an intervertebral implant according to Patent Claim 22.

After removal of a damaged, natural intervertebral disk or a damaged nucleus pulposus of an intervertebral disk, implants or prostheses are inserted into the intervertebral space of two neighbouring vertebral bodies. This suggests the idea of restoring the situation as much as possible to a natural state, i.e. specifically to restore the original height of the intervertebral disk and thus the original distance between the two neighbouring vertebral bodies. Furthermore, the patient should be able to carry out movements of the neighbouring vertebral bodies relative to each other in the natural way, thereby incurring as little obstruction as possible. This essential feature of this system is its ability to retain the freedom of movement in forward/reverse inclination, i.e. flexion and extension of the vertebral bodies, and in lateral bending of the vertebral bodies within the natural limits. The natural sinews and muscles along the spinal column are in general left intact so that they further stabilise the movements of a mechanical intervertebral disk prosthesis.

A characteristic intervertebral disk endoprosthesis is state of the art from DE-A 35 29 761 BÜTTNER. This known intervertebral disk endoprosthesis basically consists of two symmetric closing plates with concave sliding surfaces facing each other, and each having an external surface for laying on the base plate, or the cover plate of the adjoining vertebral body, and a distance piece positioned between the closing plates with convex sliding surfaces arranged complementary to the concave sliding surfaces on the closing plates. The sliding surfaces are designed in one embodiment as section surfaces of a cylinder coat area, wherein the sliding surfaces arranged on the two closing plates are provided complementary to each of the adjoining sliding surfaces at the distance piece, and two complementary sliding surfaces form the articulation

surfaces, which can be moved towards each other, of a joint element rotating around a swivel axle. The joint comprises an upper and a lower joint element, each of which has one swivel axle. The two swivel axles are set at 90° to each other. The disadvantages of this known intervertebral disk endoprosthesis is that

a) the arrangement of an intervertebral disk endoprosthesis with only one fulcrum does not take sufficient account of the overlaying swivel movements transferred by the natural intervertebral disk, specifically in the case of anterior-posterior and in lateral flexion, which in the natural intervertebral disk are independent of each other;

b) the vertebral joint is put under strain by swivel movements, specifically with translation in the anterior-posterior direction (face joint), which could cause pain for the patient;

c) disadvantageous friction forces are generated by two articulating surfaces sliding on each other. This also leads to wear on the surfaces, including also abrasion and resistance in movement of the joint elements. There is also the risk of the "stick slip" effect;

d) a mechanical intervertebral disk prosthesis can scarcely prevent the further degeneration of the affected movement segments. Restoration of the original freedom of movement significantly reduces pain, with the resulting improvement to the patient's quality of life. A review of treatment will, however, have to be undertaken if pain recommences. This will normally involve complete removal of an intervertebral disk prosthesis of the standard model and a stiffening of the movement segment. This operation represents extreme discomfort and strain on the patient; and

e) the form of contact areas to the neighbouring vertebral bodies is generally not taken into account. The conventional types of intervertebral disk prosthesis implants have flat contact areas, which are often supplemented with keel-type elevations.

The invention is intended to remedy this situation. The invention is based on the task of creating an intervertebral implant that comprises a joint, the axles of which are provided with bearings with minimum friction.

The invention solves the task with an intervertebral implant that has the features of Claim 1 and with a process for replacing a defect, natural intervertebral disk by an intervertebral implant, comprising the steps of Claim 22.

The advantages achieved by the invention can generally be seen in that with the intervertebral implant according to the invention

- the swivel movements in anterior-posterior and lateral direction are independent of each other;
- the friction surface of the movements on blade-like means is reduced to a minimum; and
- the line contact between the joint sections instead of sliding surfaces reduces the friction forces in the joint and as a result relative movement among the vertebral bodies, specifically lateral bending and flexion / extension movement of the spinal column is not impaired.

Due to the different positions of the natural swivel axes in the different intervertebral disk spaces along the spinal column the arrangement of the swivel axes can be warped or intersecting.

The length of the blades leads to a stabilising of the joints against the two sections turning around the central axis. The flank angles of the elevations measure preferably between 1° and 30° whereas the flank angles of the depressions measure preferably between 6° and 70°.

In a preferred embodiment of the intervertebral implant according to the invention, the implant comprises two joints, each of which is designed with a first and a second joint section, wherein the second joint section is provided with a depression for receiving an elevation on the first joint section that can be tilted around the swivel axle. This achieves the advantage that no translation movements of the vertebral bodies adjoining the implant are permitted, which relieves strain on the face joints.

In a further embodiment of the intervertebral implant according to the invention, a means can be attached to the two sections from the ventral side areas which fixes the two sections ventral at a specific distance relative to each other. This measure provides the advantage that the two sections for insertion into the intervertebral space can be brought to a position with fixed height and can be moved around the joint after insertion into the intervertebral space and can be placed on the base or cover plate of the adjoining vertebral body.

In a further embodiment of the intervertebral implant according to the invention, the means allows temporary blocking of the mobility of the two sections around the joint. This measure provides the advantage that the joint integrated in the intervertebral space can be blocked by a minimum invasive operation. This is particularly advantageous in cases where the patient suffers from post-operative pain, i.e. where degeneration of the affected spinal column segment continues and the surgeon is considering a fusion of the affected vertebra. The means can preferably be attached to the two ventral side areas of the two sections. With this subsequent, secondary blocking of the mobility of the two sections around the joint, the intervertebral implant is stiffened and transferred to an arthrodesis implant (fusion cage).

In a further embodiment of the intervertebral implant according to the invention, the means comprises an insert, which can be placed into each depression on the surfaces of the upper and lower section opposite each other. These depressions are preferably provided as dovetail guides that are open on the ventral side areas, so that the ends of the insert arranged complementary to the dovetail guides can be inserted from ventral into the dovetail guides. This provides the advantage that the mobility of the two sections around the joint is blocked due to the positioning of the insert. The rigidity of the blocking can be increased when the dovetail guides are designed so that they are reduced in size towards the central axis of the intervertebral implant, which creates additional wedging of the insert in the dovetail guides.

In a further embodiment of the intervertebral implant according to the invention, the two sections are provided with drill holes for receiving the bone fixation means, specifically bone screws, wherein the drill holes are provided with longitudinal axes that stand

perpendicular to the central axis. Preferably two drill holes will pass through one of the two sections from the ventral side area to the apposition surface. The longitudinal axes, if only an axial fixing of the intervertebral implant is provided, will then be able to stand only perpendicular to the central axis from a lateral perspective, or, if fixing of the intervertebral implant with stable angle is provided, will also from a lateral perspective diverge from the inner surfaces of the two sections against the apposition surfaces.

In a further embodiment of the intervertebral implant according to the invention, the drill holes for receiving the bone fixation means are provided with internal threads, which allows additional, rigid fixing of the bone fixation means in the two sections. The drill holes preferably have a conical shape so that a stronger fixing of the bone fixation means to each of the two sections can be achieved by the resulting conical thread connections between the internal threads and the external threads on the heads of the bone fixation means.

The apposition surfaces are preferably of convex shape and provided with a three-dimensional structure, preferably in the form of pyramid elevations. This arrangement of the apposition surfaces takes account of the anatomy of the vertebral body end plates.

The process according to the invention is intended primarily for replacing a defect, natural intervertebral disk by an intervertebral implant and comprises the following steps:

- A) blocking of the joint(s) of an intervertebral implant by means of a special device placed in a certain position of the joint(s);
- B) insertion of the intervertebral implant into the intervertebral space to be treated;
- C) release and removal of the device inserted into the intervertebral implant for blocking the joint(s). Blocking the joint provides the advantage that the moveable sections with the external apposition surfaces can be inserted more easily into the intervertebral space to be treated.

In a further application of the process according to the invention, this comprises the subsequent blocking of the joint(s) on the implanted intervertebral implant by means of the device intended for blocking the joint(s). This provides the advantage that if the patient should suffer from post-operative pains or in case of a further degeneration of

the movement segment, the joint(s) on the intervertebral implant are blocked post-operative by the insertion of the means intended for this purpose. This subsequent blocking can be achieved with an minimally invasive, preferably a laparoscopic operation. The intervertebral implant then assumes the function of a cage, so that the affected movement segment of the spinal column can be stiffened.

The invention and refinements of the invention are described in more detail below on the basis of a partially schematic illustration of several embodiments.

Fig. 1 shows an explosion diagram of one embodiment of the intervertebral implant according to the invention;

Fig. 2 shows a perspective view of the embodiment of the intervertebral implant according to the invention shown in Fig. 1 in assembled state;

Fig. 3 shows a lateral view of a further embodiment of the intervertebral implant according to the invention;

Fig. 4 shows a perspective view from ventral of the embodiment according to Fig. 3;

Fig. 5 shows a section along the line A-A in Fig. 1 with a lateral view; and

Fig. 6 shows a section along the line B-B in Fig. 1 with a dorsal view.

Fig. 1 and Fig. 2 show an embodiment of the intervertebral implant 1 according to the invention, which comprises an upper section 10 with a top apposition surface 15 arranged perpendicular to the central axis 2 for laying on the base plate of an adjoining vertebral body, a lower section 20 with a lower apposition surface 25 arranged perpendicular to the central axis 2 for laying on the cover plate of the adjoining vertebral body and two joints 38;39. The upper section 10 and the lower section 20 are connected with the joints 38;39 and moveable in relation to each other, whereby the mobility of the upper section 10 relative to the lower section 20 is restricted by a first

swivel axle 3 arranged perpendicular to the central axis 2 within an angle range of $+10^\circ$ to -6° and by a second swivel axle 4 arranged perpendicular to the central axis 2 and vertical to the first swivel axle 3 within an angle range of $\pm 7^\circ$.

The joints 38;39 are realised by three joint elements 31;32;33, of which the lower joint element 33 and the upper joint element 31 each form a joint 38;39 interacting with the central joint element 32. The two joints 38;39 are provided in the form of rockers and are each provided with a swivel axle 3;4, wherein the swivel axles stand vertical to each other and vertical to the central axis 2. The lower joint 39 comprises an elevation 50 connected to the lower section 20 and forming the lower joint section 33, and a depression 52 arranged in the central joint section 32 and accepting the elevation 50. The elevation is fitted with an edge 51 forming the swivel axle 4, which is positioned in the depression 52 in such a way that the two joint sections 32;33 together form a joint 39 that can be tilted around the swivel axle 4 on the edge 51. The upper joint 38 is similarly made up of an elevation 49 arranged on the upper joint section 31 and parallel to the swivel axle 3 and a depression 54 arranged on the central joint section 32 and accepting the elevation 49. The elevation 49 is provided with an edge 53 forming the swivel axle 3, which is carried in the depression 54 in such a way that the two joint sections 31;32 form a joint 38 that can be tilted around the swivel axle 3 on the edge 53.

The mobility of the two sections 10;20 relative to each other can be blocked by the means 40 in a way that allows release. The means 40 comprises in the embodiment described here an insert 41 that can be slid in from the ventral side areas 11;21 of the two sections 10;20 perpendicular to the central axis 2 and parallel to the lateral side areas 13;14;23;24 of the two sections 10;20. The insert 41 is slid in two depressions 42;43, provided in the form of dovetail guides. The insert 41 is inserted from the ventral side areas 11;21 of the two sections 10;20 into the depressions 42;43 composed as dovetail guides and fitted to the lower section 20 by means of a screw 44. The insert 41 is furthermore arranged in the terminal state complementary to the depressions 42;43, so that the two sections 10;20 with fitted insert 41 are fixed relative to each other parallel to the central axis 2.

A first catching means 100 is also attached to the central joint section 32, which can be engaged with the second catching means 105 at the lower joint section 33 and which

prevent the central joint section 32 being removed from the lower joint section 33 after the fixing element 110 has been secured to the central joint section 32. The securing of the fixing element 110 takes place by means of screws 111, which are inserted into the thread holes 112 beside the depression 52 in the central joint section 32. The first catching means 100 comprise depressions 101 on the central joint section 32, which can be engaged flush with the catches 106 of the second catching means 105. This operation prevents the two joint sections 32;33 from becoming separate from each other. There are furthermore hinges 120 (Fig. 5 and Fig. 6) arranged between the upper joint section 31 and the central joint section 32, by means of which the two joint sections 31;32 are held together parallel to the central axle 2 without this leading to any restriction in the rotation movement of the two joint sections 31;32 relative to each other around the first swivel axle 3.

Fig. 3 illustrates an embodiment of the intervertebral implant 1 according to the invention, which differs from the embodiment illustrated in Fig. 1 and Fig. 2 only in that the two sections 10;20 also comprise drill holes 80 for receiving the bone fixation means 81, whereby the bone fixation means 80 is provided in this case as bone screws. The drill holes 80 are provided with longitudinal axes 83 that form an angle γ with the central axis 2. In addition, each two drill holes 80 (Fig. 4) run through one of the two sections 10;20 from the ventral side area 11;21 to the apposition surface 15;25. The longitudinal axes 83 of the drill holes 80 are standing perpendicular to the central axis 2 both from a lateral (Fig. 3) and from a ventral (Fig. 4) point of view. The drill holes 80 are furthermore provided in conical design and tapering towards the apposition surfaces 15;25 and provided with internal threads 82 that are used for screwing reception of the screw heads 84 of the bone fixation device 81 realised here in the form of bone screws and provided with complementary external threads.

Fig. 5 and Fig. 6 show detailed illustrations of the two hinges 120 between the upper joint section 31 and the central joint section 32. The hinges 120 permit a relative swivel movement of the two joint sections 31;32 around the first swivel axle 3 (Fig. 2) formed by the edge 53 on the second elevation 49 and the depression 54, and comprise cams 121 attached laterally at the end on the central joint section 32, which cams are rounded towards the ventral side surfaces 11;21 of the intervertebral implant 1, and shells 122 attached to the upper joint section 31, which surround the rounded sides of the cams

121 from the direction of the ventral side surfaces 11;21 as a circular arc with an angle of approx. 90° . These shells 122 lead to the upper joint section 31 being secured parallel to the central axle 2 (Fig. 1) on the central joint section 32.